2645

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/938,907
Filing Date	August 24, 2001
First Named Inventor	DAVIS, Brad
Art Unit	2645
Examiner Name	SING, S.

Total Number of Pages in This Submission	9	Attorney Docket Number	UTL 00011

ENCLOSURES   *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [✓] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____

Remarks

- [ ] After Allowance communication to Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [✓] Other Enclosure(s) (please Identify below):

  Return Receipt Postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jonathan T. Velasco, Esq. Reg. No.: 42,200 KYOCERA WIRELESS CORP.
Signature	
Date	Oct 12, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Lynn Morkunas		
Signature		Date	OCT. 13, 2005

OCT 1 4 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **DAVIS, Brad**	Group Art Unit: **2645**
App. No.: **09/938,907**	Examiner: **SING, Simon P**
Filed: **August 24, 2001**	Conf.: **3331**
Title: **METHOD AND APPARATUS FOR ASSIGNING DATA RATE IN A MULTICHANNEL COMMUNICATION SYSTEM**	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

This communication is responsive to an *Office Action* mailed July 14, 2005. Timely response is made up to October 14, 2005. No fee is believed to be due. Applicant respectfully submits the following remarks for consideration by the Examiner.

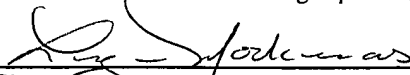**Claims** are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.